



A/N

DT-1216

RKM:cjs

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant** : Wolfgang Barnikol  
**Serial No.** : 08/455,426  
**Filed** : May 31, 1995  
**For** : METHOD FOR THE PREPARATION OF MOLECULARLY  
UNIFORM HYPERPOLYMERIC HEMOGLOBINS  
**ATTENTION** : **APPLICATION BRANCH**

Hon. Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts dated June 23, 1995, applicant submits herewith a duly executed Declaration attached to the original of the application, a copy of which was filed on May 31, 1995.

A verified statement claiming small entity status, is filed herewith along with a Request for Refund of Excess Filing Fee. Since small entity status has been claimed and established herein, the Commissioner is hereby authorized to charge the late filing fee of \$65.00 and any additional fees to Deposit Account No. 01-1944.

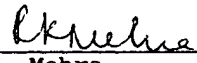
Further, to perfect their 35 U.S.C. 119 priority claim, applicant submits herewith a certified copy of German Priority Document P 44 18 973.7 dated May 31, 1994.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

As required, a copy of the Notice to File Missing Parts is attached.

Since all the missing parts have now been supplied, it is submitted that the application is now complete and in form for examination. Accordingly, such examination and prompt allowance are earnestly solicited.

Respectfully submitted

  
\_\_\_\_\_  
Raj K. Mehra  
Reg. No. 36,318

Date: July 5, 1995

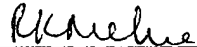
AKOO-TOREN  
1251 Avenue of the Americas  
44th floor  
New York, NY 10020-1182  
(212) 278-1000

Encls:

Copy of Notice to File Missing Parts;  
Original with previously executed Declaration & POA;  
Request for Refund of Excess Filing Fee  
Verified Statement claiming Small Entity Status  
German Priority Document P 44 18 973.7 dated May 31, 1994

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 5, 1995.

Date: July 5, 1995

  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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08/455,426 05/31/95 BARNIKOL W DT-1216

0232/0623

AKOO-TOREN  
1251 AVENUE OF THE AMERICAS  
NEW YORK NY 10020

DATE MAILED: 0000

NOTICE TO FILE MISSING PARTS OF APPLICATION  
FILING DATE GRANTED

06/23/95

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 150 for large entities or \$ 65 for small entities who have filed a verified statement claiming such status. The surcharge is set forth in 37 CFR 1.16(e).

If all required items on this form are filed within the period set below, the total amount owed by applicant as a ☒ large entity, ☐ small entity (verified statement filed), is \$ 150.

Applicant is given **ONE MONTH FROM THE DATE OF THIS LETTER, OR TWO MONTHS FROM THE FILING DATE** of this application, **WHICHEVER IS LATER**, within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

1. ☐ The statutory basic filing fee is: ☐ missing ☐ insufficient. Applicant as a ☐ large entity ☐ small entity, must submit \$ \_\_\_\_\_ to complete the basic filing fee.
2. ☐ Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity, ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
3. ☒ The oath or declaration:  
☒ is missing.  
☐ does not cover the newly submitted items.  
  
An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required.
4. ☐ The oath or declaration does not identify the application to which it applies. An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
5. ☐ The signature(s) to the oath or declaration is/are: ☐ missing; ☐ by a person other than the inventor or a person qualified under 37 CFR 1.42, 1.43, or 1.47. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
6. ☐ The signature of the following joint inventor(s) is missing from the oath or declaration:  
  
\_\_\_\_\_ An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.
7. ☐ The application was filed in a language other than English. Applicant must file a verified English translation of the application and a fee of \$ \_\_\_\_\_ under 37 CFR 1.17(k), unless this fee has already been paid.
8. ☐ A \$ \_\_\_\_\_ processing fee is required since your check was returned without payment. (37 CFR 1.21(m)).
9. ☐ Your filing receipt was mailed in error because your check was returned without payment.
10. ☐ The application does not comply with the Sequence Rules. See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.
11. ☐ Other.

Direct the response to Box Missing Part and refer any questions to the Customer Service Center at (703) 308-1202.

**A copy of this notice MUST be returned with the response.**

COPY TO BE RETURNED WITH RESPONSE

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Hon. Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

REQUEST FOR REFUND OF EXCESS FILING FEE

Sir:

The large entity filing fee of \$ 970.00 was paid when this application was filed. However, applicant is entitled to claim small entity status. Accordingly, attached is a verified statement signed by the inventor claiming such status.

The Commissioner is requested to credit the excess filing fee of \$ 485.00 to Deposit Account No. 01-1944. This paper is filed in duplicate and pursuant to 37 CFR 1.7, is timely filed.

Respectfully submitted,

*R. K. Mehra*

Raj K. Mehra  
Reg. No. 36,318

Date: July 5, 1995  
AKOO-TOREN  
1251 Avenue of the Americas  
44th floor  
New York, NY 10020-1182  
(212) 278-1018

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 5, 1995.

Date: July 5, 1995

*R. K. Mehra*